

SWEENEY & SHEEHAN

By: Robyn F. McGrath

Identification No.: 55892

1515 Market Street, 19th Floor

Philadelphia, PA 19102

(215) 563-9811

ATTORNEY FOR: Defendants

| | | |
|---------------------------|---|------------------------|
| BRENDA DIGIOVANNANGELO | : | COURT OF COMMON PLEAS |
| and FRANK DIGIOVANNANGELO | : | OF PHILADELPHIA COUNTY |
| | : | |
| v. | : | JUNE TERM, 2002 |
| | : | |
| EDWARD KEIR and | : | |
| DONALD A. KEIR | : | NO.: 2608 |

PRAECIPE TO TRANSFER

TO THE PROthonotary:

Kindly transfer this case from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania.

SWEENEY & SHEEHAN

BY: _____
ROBYN F. McGRATH

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|----------------------------|
| BREND A DIGIOVANNANGELO | : | CIVIL ACTION |
| and FRANK DIGIOVANNANGELO | : | |
| | : | |
| v. | : | <u>JURY TRIAL DEMANDED</u> |
| | : | |
| EDWARD KEIR and | : | |
| DONALD A. KEIR | : | NO |

**NOTICE TO PLAINTIFFS OF THE FILING OF A
NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT**

TO: Brenda Digiovannangelo and Frank Digiovannangelo
c/o Michael B. Krupnick, Esquire
Dion, Solomon & Shapiro
Suite 606, Ten Penn Center
1801 Market Street
Philadelphia, PA 19103

DATE:

Please take notice that Defendants, Edward Keir and Donald A. Keir, by their attorneys, SWEENEY & SHEEHAN, has filed a Notice in the United States District Court for the Eastern District of Pennsylvania for Removal of an action now pending in the Court of Common Pleas of Philadelphia County, entitled Brenda Digiovannangelo and Frank Digiovannangelo v. Edward Keir and Donald Keir, Philadelphia County Court of Common Pleas, June Term, 2002, No.: 2608.

A copy of said Notice of Removal is attached to this Notice and is hereby served upon you.

SWEENEY & SHEEHAN

BY: _____
ROBYNE McGRATH
Attorney for Defendants,
Edward Keir and Donald A. Keir
Attorney I.D. No. 55892
1515 Market Street, 19th Floor
Philadelphia, Pennsylvania 19102
(215) 563-9811

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|----------------------------|
| BRENDA DIGIOVANNANGELO | : | CIVIL ACTION |
| and FRANK DIGIOVANNANGELO | : | |
| | : | |
| v. | : | <u>JURY TRIAL DEMANDED</u> |
| | : | |
| EDWARD KEIR and | : | |
| DONALD A. KEIR | : | NO. |

NOTICE OF REMOVAL

Defendants, Edward Keir and Donald A. Keir, move this Court for Removal and, in support thereof, state the following reasons:

1. A Civil Action seeking to recover monetary damages has been commenced by Plaintiff and is now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, wherein Brenda Digiovannangelo and Frank Digiovannangelo are Plaintiffs, Edward Keir and Donald A. Keir are Defendants, and which action is numbered Court of Common Pleas of Philadelphia County, June Term, 2002, No. 2608.

A copy of Plaintiffs' Complaint is attached hereto, made a part hereof and marked as Exhibit "A".

2. The aforesaid action involves a controversy over which this Court would have original jurisdiction in that it is a controversy between parties of different states.

3. Plaintiffs are citizens of the State of Pennsylvania.

4. Defendants are citizens of the State of New Jersey.

5. According to Plaintiffs' Complaint and upon information and belief, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

6. Defendants, Edward Keir and Donald A. Keir, are entitled to remove this action pursuant to 28 U.S.C.A. Section 1441, et seq.

WHEREFORE, Defendants, Edward Keir and Donald A. Keir, request that the aforesaid Philadelphia County Court of

Common Pleas Action captioned as aforesaid be removed from that Court to the Federal District Court in and for the Eastern District of Pennsylvania for trial and determination of all issues for the reasons stated above.

SWEENEY & SHEEHAN

BY: _____
ROBYN F. McGRATH
Attorney for Defendant,
Edward Keir and Donald A. Keir
Attorney I.D. No. 55892
Nineteenth Floor
1515 Market Street
Philadelphia, Pennsylvania 19102
(215) 563-9811

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|----------------------------|
| BRENDA DIGIOVANNANGELO | : | CIVIL ACTION |
| and FRANK DIGIOVANNANGELO | : | |
| | : | |
| v. | : | <u>JURY TRIAL DEMANDED</u> |
| | : | |
| EDWARD KEIR and | : | |
| DONALD A. KEIR | : | NO. |

PROOF OF SERVICE

ROBYN F. McGRATH deposes and says that she is an attorney for the firm of SWEENEY & SHEEHAN, attorneys for Defendants, Edward Keir and Donald A Keir and that she did serve the foregoing Notice of Removal upon all counsel and parties of record by United States First Class Mail with postage fully prepaid this July 23, 2002.

ROBYN F. McGRATH

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|----------------------------|
| BRENDA DIGIOVANNANGELO | : | CIVIL ACTION |
| and FRANK DIGIOVANNANGELO | : | |
| | : | |
| v. | : | <u>JURY TRIAL DEMANDED</u> |
| | : | |
| EDWARD KEIR and | : | |
| DONALD A. KEIR | : | NO. 02-CV-4986 |

PROOF OF FILING

ROBYNF. McGRATH deposes and says that she is an attorney for the Firm of SWEENEY & SHEEHAN, attorneys for Defendant, Edward Keir and Donald A Keir; and that she did direct the filing with the Prothonotary of the Court of Common Pleas of Philadelphia County a copy of the Notice of Removal attached hereto by having a copy of the same delivered to the Prothonotary on July 23, 2002.

ROBYNF. McGRATH